

III. Remarks

By this Amendment, applicant amends claims 1-2, 6-8, 12, and 14. Claims 1-16 are pending in the application. Applicant asserts that the amendments to claims 1, 6-7, 12, and 14 find support at, for example, page 6, lines 6-19 and in Figs. 2A, 2B, and 2C. Amendments to claims 2 and 8 find support, for example, in Figs. 1, 2A, 2B, 2C, and 4. Therefore, no new matter is introduced. Favorable reconsideration of this application is respectfully requested in light of the following detailed discussion.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 6-8, 12, and 14-16 under 35 U.S.C. § 102(b) as being anticipated by Koneval et al. (US 6,324,788, hereinafter Koneval). The Examiner asserts that Koneval (as shown in Fig. 9) discloses a powered slider drive interface for opening and closing a vehicle slider panel (216) across a window aperture of a back-lite of a vehicle (see figure 1 for the vehicle and back-lite) comprising a slider panel (216), a regulator/driver bracket (212), at least first, second, third and fourth mechanical stops mounted on the slider panel (216) and the regulator (212), slider/guide tracks (210/18, column 3, line 41) positioned above and below the slider panel (216), a cable (220) mounted on each end of the regulator/driver bracket (212) such that as the electric reversible motor (24) drives the cable (220) to and fro, the stops are brought into

mechanical contact with one another to thereby move the sliding panel (216) across the opening/aperture of a vehicle back-lite.

Applicant respectfully submits that claims 1, 2, 6-8, 12, and 14-16 are not anticipated by Koneval. According to the MPEP, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631). Put another way, for there to be anticipation, "the identical invention must be shown in as complete detail as it is contained in the ...claim." *Richardson v. Suzuki Motor Co.* 9 USPQ 2d 1913, 1920 (Fed Cir. 1989).

Amended independent claims 1, 6-7, 12, and 14, and dependent claims 2, 8, and 15-16 which depend therefrom, now at least require the limitations that when a slider panel is urged in a first direction (e.g., the slider panel in an open position), a first contact surface on a mechanical driver bracket (stop) is brought into contact with a first contact surface on a driver receiver (stop), then there is a space between a second contact surface on the mechanical driver bracket (stop) and a second contact surface of the driver receiver (stop). When the slider panel is urged in a second direction (e.g., the slider panel in a closed position), the second contact surface on the mechanical driver bracket (stop) is brought into contact with the second contact surface on the

driver receiver (stop), then there is a space between a first contact surface on the mechanical driver bracket (stop) and a first contact surface of a driver receiver (stop).

Koneval does **not** teach these limitations. Instead, Koneval teaches that when Koneval's slider 216 is driven by the regulator 212, the engagement tabs 230 are engaged with slots 218 for *positive* movement in rail 210 (see, for example, column 6, lines 31-36). Koneval illustrates in Fig. 9 (upon which the Examiner relies) this *positive* engagement between the tabs and the slots. Nowhere, does Koneval teach or even suggest that the engagement tabs and slots provide for alternating spacing between the tabs and slots, as claims 1, 6-7, 12, and 14 require. Therefore, Koneval is not identical to the invention defined by claims 1, 6-7, 12, and 14, as 35 USC 102 requires.

Specifically regarding claims 2 and 8, these claims now at least require the limitation that the first and second mechanical stops (driver bracket and driver receiver) are oppositely inclined to one another. Koneval does **not** teach these limitations. Instead, Koneval illustrates in Fig. 9 that the tabs and slots are vertically disposed to one another.

Applicant respectfully submits that independent claim 1 and its dependent claim 2, independent claims 6 and 12, and independent claims 7 and 14, and their respective dependent claims 8 and 15-16, are not anticipated by Koneval, as the inventions

defined thereby are not identically disclosed in Koneval, as required by 35 U.S.C. § 102(b). Consequently, claims 1, 2, 6-8, 12, and 14-16 should be allowed over Koneval.

Accordingly, withdrawal of the rejection of claims 1, 2, 6-8, 12, and 14-16 and favorable reconsideration of claims 1, 2, 6-8, 12, and 14-16 are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 3-5, 9-11, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Koneval in view of MacMillan (US 6,435,636, hereinafter MacMillan) and Hirsch et al. (US 6,207,911, hereinafter Hirsch). The Examiner asserts that all of the elements of the instant invention are discussed in detail above except providing an EPDM plastic bumper. The Examiner then asserts that MacMillan discloses a plastic bumper combination thereof, and Hirsch teaches that EPDM is a durable and energy absorbing bumper material, suitable for use in automobiles. The Examiner then includes passages from the Hirsch reference to indicate the use of EPDM for bumpers.

The Examiner concludes from this that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Koneval with a plastic bumper as taught by MacMillan and Hirsch since an EPDM bumper allows a smooth transition between starting and stopping of an element which is (to) slide in a track.

Applicant traverses these rejections by asserting that, since independent claims 1, 7, and 12 are patentable, then, respectively, claims 3-5, 9-11 and 13, which depend directly or indirectly therefrom, are also patentable, at least on this basis.

Also, MacMillan and Hirsch do nothing to overcome the above-stated shortcomings of Koneval, since the MacMillan reference is drawn to a bumper at the internal end of a drawer slide rail for cushioning the closure of the drawer within a filing cabinet (see, for example, Abstract and Figs. 1-4) and the Hirsch reference is drawn to a combined bumper and electrical switch.

Neither the MacMillan bumper nor the Hirsch bumper is intended to cushion for misalignment adjustment, for example, between a regulator and a slider panel.

In fact, the claimed invention seeks to replace the rigid type of powered sliding window regulators like Koneval, which do not result in contact surfaces coming together in one direction while leaving a space between opposite direction contact surfaces and then vice versa. One skilled in the art recognizes that the subject invention is a powered slider drive interface that provides selectively non-attached pushing or pulling mechanical contact between a driver and a receiver that allows for substantial misalignment (see page 6, lines 15-19).

Therefore, neither Koneval, MacMillan, nor Hirsch separately nor in combination satisfy the limitations of claims 3-5, 9-11, and 13.

For all of these reasons, applicant respectfully submits that claims 3-5, 9-11, and

Appl. No. 10/781,395
Response Dated August 6, 2008
Reply to Office Action of April 10, 2008

13 are patentable over Koneval in view of MacMillan and Hirsch, thus are allowable over these references. Accordingly, withdrawal of the rejection of claims 3-5, 9-11, and 13 and favorable reconsideration of claims 3-5, 9-11, and 13 are respectfully requested.

If the Examiner has any remaining questions or concerns, or would prefer claim language different from that included herein, the favor of a telephone call to applicant's attorneys is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen G. Kimmet", is written over a horizontal line.

Stephen G. Kimmet
Registration No. 52,488

ATTORNEYS

Marshall & Melhorn, LLC
Four SeaGate – 8th Floor
Toledo, Ohio 43604
Phone: (419) 249-7132
Fax: (419) 249-7151